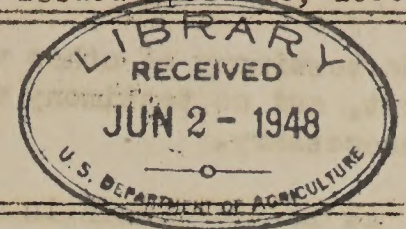


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UNITED STATES DEPARTMENT OF AGRICULTURE

SUGAR DIVISION, WASHINGTON, D. C.



DECISION AND ORDER OF THE SECRETARY OF AGRICULTURE ALLOTING THE 1939 SUGAR QUOTA FOR THE DOMESTIC BEET SUGAR AREA

PRELIMINARY STATEMENT

General Sugar Quota Regulations, Series 6, No. 1, Rev. 1, issued by the Secretary of Agriculture pursuant to the provisions of the Sugar Act of 1937 (hereinafter referred to as the "act"), established a 1939 sugar quota for the domestic beet sugar area of 1,566,719 short tons, raw value.

Under the provisions of section 205(a) of the act, the Secretary is required to allot a quota whenever he finds that the allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons an equitable opportunity to market sugar or liquid sugar within the quota for any area. Section 205(a) also provides that such allotment shall be made after such hearing and upon such notice as the Secretary may by regulations prescribe.

On February 2, 1939, the Secretary made the following finding:

"Pursuant to the authority contained in Section 205(a) of the Sugar Act of 1937 (Public No. 414, 75th Congress), and on the basis of the information now before me, I, H. A. Wallace, Secretary of Agriculture, do hereby find that the allotment of the 1939 sugar quota for the domestic beet sugar area is necessary to prevent disorderly marketing of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States. * * *

The Secretary, on the basis of that finding and pursuant to the provisions of the act and General Sugar Regulations, Series 2, No. 2, Revised (issued February 3, 1939), gave due notice of a public hearing to be held at Chicago, Illinois, on February 21, 1939, for the purpose of receiving evidence to enable him to make a fair, efficient, and equitable distribution of the 1939 sugar quota for the domestic beet sugar area among persons who market such sugar in the continental United States.

The hearing was duly held at the time and place specified in the notice.

As to the preliminary question of the necessity for making allotments, the representative of the Sugar Beet Unit of the Sugar Division testified that, upon the basis of information available to the Department, the total supply of domestic beet sugar available for market in 1939 would be approximately 1,800,000 short tons, raw value, or approximately 215,000 short tons, raw value, in excess of the 1939 quota for the area of 1,584,524 short tons, raw value (R. p. 12-13).¹ These figures were based upon the stocks on hand January 1, 1939, the estimated 1938 crop processings after January 1, 1939, and the figure obtained by multiplying the estimated 1939 production by the average percentage of new crop sugars sold in the calendar year of the crop's production (R. p. 13).

¹ Calculated on the basis of the revised quota of 1,566,719 short tons, the excess would be approximately 233,281 short tons.

The testimony of other witnesses tended generally to confirm the necessity for allotment, and no testimony was offered to the effect that allotment of the 1939 quota was unnecessary.

As to the manner in which allotments should be made, the representative of the Sugar Beet Unit of the Sugar Division proposed that allotments be made on the basis of the first two factors given in the act, viz., processings of sugar from sugar beets to which proportionate shares, determined pursuant to section 302(b) of the act, pertained (hereinafter referred to as "processings") and past marketings. He proposed that the processings from the 1938 crop be taken as the measure of processings, and that the average of deliveries of sugar for the three years 1936, 1937 and 1938 be taken as the measure of past marketings. He further proposed that two-thirds weight be given to the measure of processings, that one-third weight be given to the measure of past marketings, and that the result be adjusted ratably to the quota (R. pp. 14-15).

The representative of Utah-Idaho Sugar Company proposed that the proposal made by the representative of the Sugar Beet Unit be modified by giving such greater weight to the measure of processings as would require each processor to carry over a share of the surplus 1938 production (i. e., the amount by which the total processings from the 1938 crop exceeds the 1939 quota) proportionate to his processings from the 1938 crop (R. p. 233, p. 236, p. 237).

The representative of Great Western Sugar Company proposed that allotments be made on the basis of a formula giving equal weight to processings and past marketings. He proposed that processings be measured by the average of processings for 1937 and 1938, and that past marketings be measured in the manner heretofore mentioned (R. p. 70). Representatives of Spreckels Sugar Company (R. p. 215) and Holly Sugar Corporation (R. p. 242) testified in favor of this proposal.

The representative of Amalgamated Sugar Company proposed that the allotments be made by allotting 80% of the quota on the basis of the effective inventory of each processor as of January 1, 1939 (i. e., the actual inventory as of January 1, 1939, plus any sugar processed thereafter from the 1938 crop, and by allotting 20% of the quota on the basis of proportionate share acreage for 1939 (R. pp. 143-145).

The representative of Michigan Sugar Company proposed that the allotments be made by allotting to each processor an amount equal to such processor's effective inventory as of January 1, 1939, and by prorating the balance of the quota to each processor on the basis of his record of new crop sales during the five-year period 1934-38 (R. p. 180, p. 186). Although not favoring the use of past marketings, he also proposed that, if any formula were adopted which took into consideration past marketings, the measure of past marketings should be the average of marketings during the five-year period 1934-38 (R. p. 186).

The representative of Great Lakes Sugar Company, Lake Shore Sugar Company, Monitor Sugar Company and Northeastern Sugar Company testified in favor of the formula proposed by the representative of the Michigan Sugar Company (R. p. 223, p. 228).

The representative of National Sugar Company (R. p. 53) and the representative of the American Crystal Sugar Company (R. pp. 218-220) testified concerning matters affecting their respective companies, but offered no proposal for the allotment of the quota.

BASIS OF ALLOTMENT

Section 205(a) of the act provides, in part, as follows:

Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person; or the ability of such person to market or import that portion of such quota or proration thereof allotted to him.

It is believed that, in order to make a fair, efficient, and equitable distribution of the 1939 sugar quota for the domestic beet sugar area, allotments should be made on the basis of (1) processings, and (2) past marketings of sugar. In measuring past marketings, it is believed that the use of the average quantity of sugar marketed by each processor during the three calendar years 1936, 1937, and 1938, will afford a fair and reasonable measure of such marketings, and that the use of processings from proportionate shares of sugar beets of the 1938 crop will afford a fair and reasonable measure of processings.

It is believed further that the act contemplates a method of allotment which will not only result in a fair, efficient, and equitable distribution of the quota, but will at the same time afford protection to the producers of sugar beets. This result will be accomplished by giving one-fourth weight to past marketings and three-fourths weight to processings measured in the manner hereinbefore stated. This weighting will result in a fair, efficient, and equitable distribution of the quota, by taking into consideration the fluctuations of sugar beet production from year to year, and will also afford protection to producers.

FINDINGS OF FACT

On the basis of the record of the hearing, I hereby find:

1. That the total supply of domestic beet sugar available for market in 1939 is approximately 1,800,000 short tons of sugar, raw value, or approximately 233,281 short tons of sugar, raw value, in excess of the 1939 quota for such area of 1,566,719 short tons, raw value.²

2. That a fair and reasonable measure of the past marketings of each interested person is the average quantity of sugar marketed by him during the three calendar years 1936, 1937, and 1938, and that the past marketings of each interested person as so measured are, stated in terms of 100 pound bags of refined sugar, as follows:

² Calculated on the basis of the revised quota set forth in General Sugar Quota Regulations, Series 6, No. 1, Rev. 1.

Amalgamated Sugar Company-----	1,423,920
American Crystal Sugar Co-----	2,687,404
Central Sugar Company-----	206,181
Franklin County Sugar Co-----	202,217
Garden City Sugar Company-----	133,348
Great Lakes Sugar Company-----	401,490
Great Western Sugar Company-----	8,645,442
Gunnison Sugar Company-----	148,236
Holly Sugar Corporation-----	4,105,734
Isabella Sugar Company-----	196,988
Lake Shore Sugar Company-----	240,562
Layton Sugar Company-----	168,417
Los Alamitos Sugar Company-----	93,115
Menominee Sugar Company-----	74,605
Michigan Sugar Company-----	823,577
Monitor Sugar Company-----	291,593
National Sugar Company-----	131,587
Northeastern Sugar Company-----	65,211
Ohio Sugar Company-----	97,873
Paulding Sugar Company-----	119,985
Rock County Sugar Company-----	61,323
Spreckels Sugar Company-----	2,679,593
Superior Sugar Company-----	69,510
Union Sugar Company-----	325,044
Utah-Idaho Sugar Company-----	2,024,287

3. That a fair and reasonable measure of each interested person's processings of sugar from sugar beets to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302 of the act, pertained, is his processings of such sugar beets of the 1938 crop, and that each interested person's proceedings as so measured are, stated in terms of 100 pound bags of refined sugar, as follows:

Amalgamated Sugar Company-----	2,666,759
American Crystal Sugar Co-----	3,686,706
Central Sugar Company-----	301,251
Franklin County Sugar Co-----	313,741
Garden City Sugar Company-----	223,468
Great Lakes Sugar Company-----	795,885
Great Western Sugar Co-----	9,298,596
Gunnison Sugar Company-----	212,415
Holly Sugar Corporation-----	4,525,080
Isabella Sugar Company-----	278,818
Lake Shore Sugar Company-----	429,602
Layton Sugar Company-----	232,419
Los Alamitos Sugar Company-----	211,172
Menominee Sugar Company-----	163,832
Michigan Sugar Company-----	1,636,543
Monitor Sugar Company-----	430,150
National Sugar Company-----	135,360
Northeastern Sugar Company-----	179,086
Ohio Sugar Company-----	195,691
Paulding Sugar Company-----	174,105
Rock County Sugar Company-----	156,430
Spreckels Sugar Company-----	3,066,394
Superior Sugar Company-----	169,684
Union Sugar Company-----	512,060
Utah-Idaho Sugar Company-----	3,721,411

4. That a three-fourths weighting of processings and a one-fourth weighting of past marketings, as measured above, will make adequate provisions for those fluctuations which occur from year to year in sugar beet production, will afford protection to producers, and will give recognition to the fact that at least 75 percent of the processings from one year are normally marketed in the next year.

CONCLUSIONS

On the basis of the foregoing and after consideration of the briefs submitted by interested persons following the hearing, and the objections filed in opposition to the proposed findings of fact, conclusions, and order of the presiding officer who conducted the hearing, I hereby determine and conclude that the allotment of the 1939 sugar quota for the domestic beet sugar area is necessary to prevent disorderly marketing of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States; and that in order to make a fair, efficient, and equitable distribution of such quota, as required by section 205(a) of the act, allotments should be made by adjusting ratably to the quota the several figures computed for the interested persons named herein by adding (a) 25 percent of the past marketings of such person, as measured and found in the finding of fact numbered 2, and (b) 75 percent of such person's processings as measured and found in the finding of fact numbered 3.

ORDER

Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the act, it is hereby ordered that:

821.51 Original Allotments. The 1939 sugar quota for the domestic beet sugar area is hereby allotted to the following processors in the amounts which appear opposite their respective names:

<u>Processor</u>	<u>Allotment (short tons raw value)</u>
Amalgamated Sugar Company-----	116,658
American Crystal Sugar Co-----	170,174
Central Sugar Company-----	13,739
Franklin County Sugar Co-----	14,154
Garden City Sugar Company-----	9,949
Great Lakes Sugar Company-----	34,526
Great Western Sugar Co-----	452,328
Gunnison Sugar Company-----	9,723
Holly Sugar Corporation-----	218,865
Isabella Sugar Company-----	12,792
Lake Shore Sugar Company-----	18,931
Layton Sugar Company-----	10,716
Los Alamitos Sugar Company-----	8,995
Menominee Sugar Company-----	7,007
Michigan Sugar Company-----	70,969
Monitor Sugar Company-----	19,583
National Sugar Company-----	6,656
Northeastern Sugar Company	7,458

Ohio Sugar Company-----	8,479
Paulding Sugar Company-----	7,951
Rock County Sugar Company-----	6,568
Spreckels Sugar Company-----	147,042
Superior Sugar Company-----	7,162
Union Sugar Company-----	23,039
Utah-Idaho Sugar Company-----	163,255
Other Processors-----	0

Total-----	1,566,719
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(Sec. 205, 50 Stat. 906; 7 U.S.C., Sup. IV, 1115)

821.52 Additional Allotments. Any increase or decrease in the 1939 sugar quota for the domestic beet sugar area shall be prorated among processors on the basis of the allotments set forth in Sec. 821.51 hereof and such allotments shall be increased accordingly. (Sec. 205, 50 Stat. 906; 7 U.S.C., Sup. IV, 1115)

821.53 Restrictions on Marketing. Processors of sugar beets in the domestic beet sugar area are hereby prohibited from shipping, transporting, or marketing in interstate commerce, or in competition with sugar or liquid sugar shipped, transported, or marketed in interstate or foreign commerce, any sugar or liquid sugar produced from sugar beets grown in the domestic beet sugar area in excess of the marketing allotments established in Secs. 821.51 and 821.52 hereof. (Sec. 205, 50 Stat. 906; 7 U.S.C., Sup. IV, 1115)

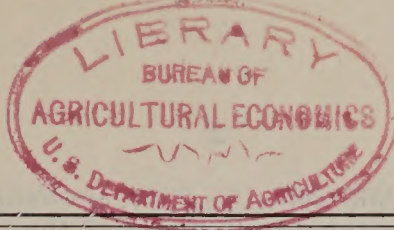
In testimony whereof, I have herunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 28th day of April 1939.

(SEAL)

HARRY L. BROWN
Acting Secretary of Agriculture.

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Issued March 26, 1940

UNITED STATES DEPARTMENT OF AGRICULTURE

SUGAR DIVISION, WASHINGTON, D. C.

DECISION AND ORDER OF THE SECRETARY OF AGRICULTURE ALLOTING THE 1940 SUGAR QUOTA FOR THE DOMESTIC BEET SUGAR AREA

General Sugar Quota Regulations, Series 7, No. 1, Revision 1, issued by the Secretary of Agriculture pursuant to the provisions of the Sugar Act of 1937 (hereinafter referred to as the "act"), established a 1940 sugar quota for the domestic beet sugar area of 1,549,898 short tons, raw value.

Under the provisions of section 205 (a) of the act, the Secretary is required to allot a quota whenever he finds that the allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons an equitable opportunity to market sugar or liquid sugar within the quota for any area. Section 205 (a) also provides that such allotment shall be made after such hearing and upon such notice as the Secretary may by regulations prescribe.

On February 7, 1940, the Secretary issued the following finding:

"Pursuant to the authority contained in section 205 (a) of the Sugar Act of 1937 (Public, No. 414, 75th Cong.), and on the basis of the information now before me, I, H. A. Wallace, Secretary of Agriculture, do hereby find that the allotment of the 1940 sugar quota for the domestic beet sugar area is necessary to prevent disorderly marketing of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States * * *."

The Secretary, on the basis of that finding and pursuant to General Sugar Regulations, Series 2, No. 2, Revised, gave due notice of a public hearing to be held at Denver, Colo., on February 19, 1940, for the purpose of receiving evidence to enable him to make a fair, efficient, and equitable distribution of the 1940 sugar quota for the domestic beet sugar area among persons who market such sugar in the continental United States.

The hearing was duly held at the time and place specified in the notice.

The presiding officer announced at the hearing that the finding of necessity for the allotment of the quota for the domestic beet sugar area was in the nature of a preliminary finding, based on the best information available to the Secretary at the time, and that it would be appropriate at the hearing to present evidence on the basis of

^a Sugar Beet Sugar Order No. 1, allotting the 1939 beet sugar quota, appeared in the Federal Register dated May 2, 1939, and was not otherwise printed.

which the Secretary might affirm, modify, or change such preliminary finding and make or withhold allotment of the quota in accordance therewith. No testimony was offered to the effect that allotment of the 1940 quota was unnecessary, or that the Secretary should, in any way, modify or change his preliminary finding.

In regard to the manner in which allotments should be made, a representative of all processors of beet sugar during the 1939-40 crop season introduced in evidence a stipulation, signed by all such processors, in which it was agreed that the amounts of sugar opposite the names of the respective processors constituted a fair, efficient, and equitable allotment of the quota for 1940, in accordance with the standards and provisions of section 205 (a) of the act. It was agreed, further, that any increase or decrease in the 1940 quota for the domestic beet sugar area should be prorated among interested persons on the basis of the allotments set forth in the agreement. The stipulation also provided as follows:

"It is further stipulated that the processors, parties hereto, hereby severally waive suggested findings of fact, notice of tentative findings, the filing of briefs, and right of objection or appeal with respect to allotments as aforesaid made by the Secretary of Agriculture under and in accordance with this stipulation * * *."

The representative of the Mt. Clemens Sugar Beet Growers Association testified that that association intends to operate during the next crop season a sugar factory at Mt. Clemens, Mich., owned by the Mt. Clemens Sugar Co. and heretofore operated by the Northeastern Sugar Co. of Bay City, Mich. The witness introduced in evidence (1) a copy of a court order authorizing the trustee of the James Davidson Trust, the owner of a large majority of the stock of the Mt. Clemens Sugar Co., to vote the shares of stock of that company so as to effect the execution of the proposed lease, and (2) a form of lease which, it was stated, would be executed between the Mt. Clemens Sugar Co. and the association as soon as time would permit. The witness requested that a marketing allotment be made to the Northeastern Sugar Co., and that the residue of any such allotment over and above the inventory of the Northeastern Sugar Co. as of January 1, 1940, be made available to the Mt. Clemens Sugar Beet Growers Association.

The representative of the Northeastern Sugar Co. testified that that company would not operate the Mt. Clemens plant during the 1940-41 season, and that the company had no objection to the request made by the Mt. Clemens Sugar Beet Growers Association so long as it had the right to sell its January 1, 1940, effective inventory.

Order

In view of the foregoing, and pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered that:

Original allotments.—The 1940 sugar quota for the domestic beet sugar area is hereby allotted to the following companies in the amounts which appear opposite their respective names:

Allotment (short tons, raw value)¹

Name of company:

Amalgamated Sugar Co.....	127,594
American Crystal Sugar Co.....	188,732
Central Sugar Co.....	10,633
Franklin County Sugar Co.....	12,759
Garden City Sugar Co.....	7,921
Great Lakes Sugar Co.....	33,228
Great Western Sugar Co.....	398,730
Gunnison Sugar Co.....	8,463
Holly Sugar Corporation.....	206,382
Isabella Sugar Co.....	10,633
Lake Shore Sugar Co.....	15,949
Layton Sugar Co.....	10,845
Los Alamitos Sugar Co.....	11,696
Menominee Sugar Co.....	7,602
Michigan Sugar Co.....	75,706
Monitor Sugar Co.....	19,405
Mt. Clemens Sugar Beet Growers Association.....	438
National Sugar Co.....	8,506
Northeastern Sugar Co.....	6,739
Ohio Sugar Co.....	7,443
Paulding Sugar Co.....	8,506
Spreckels Sugar Co.....	176,770
Superior Sugar Co.....	10,101
Union Sugar Co.....	31,101
Utah-Idaho Sugar Co.....	154,016

Total..... 1,549,898

Restrictions on marketing.—The above-mentioned companies are hereby prohibited from shipping, transporting, or marketing in interstate commerce, or in competition with sugar or liquid sugar shipped, transported, or marketed in interstate or foreign commerce, any sugar or liquid sugar produced from sugar beets grown in the domestic beet sugar area in excess of the marketing allotments set forth above.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 26th day of March 1940.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

¹ In accordance with the terms of the stipulation, the allotments have been converted to short tons, raw value, and adjusted to the revised quota set forth in General Sugar Quota Regulations, Series 7, No. 1, Revision 1.

UNITED STATES DEPARTMENT OF AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

WASHINGTON, D. C.

DECISION AND ORDER OF THE SECRETARY OF AGRICULTURE ALLOT-
TING THE 1941 SUGAR QUOTA FOR THE DOMESTIC BEET SUGAR
AREA

PRELIMINARY STATEMENT

General Sugar Quota Regulations, Series 8, No. 1, Rev. 1, issued by the Secretary of Agriculture pursuant to the provisions of the Sugar Act of 1937, as amended (hereinafter referred to as the "act"), established a 1941 sugar quota for the domestic beet sugar area of 1,589,100 short tons, raw value.¹

Under the provisions of section 205 (a) of the act, the Secretary is required to allot a quota whenever he finds that the allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons an equitable opportunity to market sugar or liquid sugar within the quota for any area. Section 205 (a) also provides that such allotment shall be made after such hearing and upon such notice as the Secretary may by regulations prescribe.

On January 14, 1941, the Acting Secretary of Agriculture made the following finding:

Pursuant to the authority contained in section 205 (a) of the Sugar Act of 1937 (Public, No. 414, 75th Congress), as amended, and on the basis of the information now before me, I, GROVER B. HILL, Acting Secretary of Agriculture, do hereby find that the allotment of the 1941 sugar quota for the domestic beet sugar area is necessary to prevent the disorderly marketing of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States * * *.

The Acting Secretary, on the basis of that finding and pursuant to the provisions of the act and General Sugar Regulations, Series 2, No. 2, Revised (issued February 3, 1939), gave due notice of a public hearing to be held at Chicago, Illinois, on January 29, 1941, for the purpose of receiving evidence to enable him to make a fair, efficient, and equitable distribution of the 1941 sugar quota for the domestic beet sugar area among persons who market such sugar in the continental United States.

The hearing was duly held at the time and place specified in the notice.

The presiding officer announced at the hearing that the finding of necessity for the allotment of the quota for the area was in the nature of a preliminary finding based on the best information available

¹ All calculations are based on this revised quota.

adequate to meet the quota and provide a normal carryover inventory, it is believed that a fair, efficient, and equitable distribution of the quota requires that no processor be given a marketing allotment for 1941 in excess of its January 1, 1941, effective inventory from proportionate shares,² but such allotment should not be less than 75 percent of the processor's average marketings for the years 1937, 1938, and 1939. It is believed, further, that the excess of the conditional allotments over January 1, 1941, effective inventories from proportionate shares (with proper allowance for a minimum allotment equal to 75 percent of the average marketings for 1937, 1938, and 1939) should, in order to result in fair, efficient, and equitable final allotments, be allocated so as to reduce the burden of carry-over sugar so that the percentage relationship between such inventories and the final allotments would be the same for each processor participating in the allocation, but the relationship for this group of processors should be in excess of the similar relationship for any other processor.

FINDINGS OF FACT

On the basis of the record of the hearing, I hereby find:

1. That, as of January 1, 1941, sugar beet processors had on hand or to be processed after that date from 1940 crop beets, a quantity of sugar amounting to 1,754,820 short tons, raw value, and that this amount exceeds the 1941 quota for the domestic beet sugar area by 165,720 short tons, raw value.

2. That a fair and reasonable measure of the past marketings of each processor is the average quantity of sugar marketed during the three calendar years 1937, 1938, 1939, and that the past marketings of each processor so measured are as follows:

Processor:	<i>Short tons, raw value</i>
The Amalgamated Sugar Co.....	101,934
American Crystal Sugar Co.....	164,657
Central Sugar Co., Inc.....	12,382
Franklin County Sugar Co.....	13,003
The Garden City Co.....	8,503
Great Lakes Sugar Co.....	27,521
The Great Western Sugar Co.....	449,018
Gunnison Sugar, Inc.....	7,915
Holly Sugar Corp.....	231,577
Isabella Sugar Co.....	11,683
Lake Shore Sugar Co.....	18,069
Layton Sugar Co.....	10,238
Los Alamitos Sugar Co.....	5,725
Menominee Sugar Co.....	5,581
Michigan Sugar Co.....	60,711
Monitor Sugar, Division of Robert Gage Coal Co.....	18,043
Mount Clemens Sugar Beet Growers' Assoc.....	5,630
The National Sugar Manufacturing Co.....	7,310
Ohio Sugar Company.....	6,127
Paulding Sugar Co.....	5,713
Spreckels Sugar Co.....	161,280
Superior Sugar Refining Co.....	6,171
Union Sugar Refining Co.....	21,097
Utah-Idaho Sugar Co.....	135,666

² January 1, 1941, effective inventory, less any 1939 crop processings from non-proportionate share acreages which, under the first-in-first-out rule, as applied to proportionate share processings, may be presumed to have been on hand on January 1, 1941.

3. That a fair and reasonable measure of each processor's processings of sugar from sugar beets to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302 of the act, pertained, is the average of the amounts of the processings from such beets for the largest three of the 1937, 1938, 1939, and 1940 crops, and that each processor's processings so measured are as follows:

Processor:	<i>Short tons, raw value</i>
The Amalgamated Sugar Co.....	140, 871
American Crystal Sugar Co.....	215, 107
Central Sugar Co., Inc.....	15, 642
Franklin County Sugar Co.....	15, 354
The Garden City Co.....	11, 614
Great Lakes Sugar Co.....	46, 705
The Great Western Sugar Co.....	471, 999
Gunnison Sugar, Inc.....	9, 040
Holly Sugar Corp.....	262, 236
Isabella Sugar Co.....	12, 723
Lake Shore Sugar Co.....	19, 370
Layton Sugar Co.....	11, 253
Los Alamitos Sugar Co.....	14, 450
Menominee Sugar Co.....	10, 327
Michigan Sugar Co.....	84, 461
Monitor Sugar, Division of Robert Gage Coal Co.....	22, 743
Mount Clemens Sugar Beet Growers' Assoc.....	7, 771
The National Sugar Manufacturing Co.....	9, 014
Ohio Sugar Co.....	9, 531
Paulding Sugar Co.....	8, 848
Spreckels Sugar Co.....	200, 504
Superior Sugar Refining Co.....	12, 734
Union Sugar Co.....	31, 194
Utah-Idaho Sugar Co.....	185, 732

4. That the use of a formula giving one-fourth weight to past marketings, and three-fourths weight to processings, as measured above, results in conditional allotments as follows:

Processor:	<i>Short tons, raw value</i>
The Amalgamated Sugar Co.....	119, 366
American Crystal Sugar Co.....	184, 318
Central Sugar Co., Inc.....	13, 496
Franklin County Sugar Co.....	13, 441
The Garden City Co.....	9, 863
Great Lakes Sugar Co.....	38, 147
The Great Western Sugar Co.....	424, 402
Gunnison Sugar, Inc.....	7, 973
Holly Sugar Corp.....	231, 720
Isabella Sugar Co.....	11, 344
Lake Shore Sugar Co.....	17, 335
Layton Sugar Co.....	10, 012
Los Alamitos Sugar Co.....	11, 168
Menominee Sugar Co.....	8, 320
Michigan Sugar Co.....	71, 476
Monitor Sugar, Division of Robert Gage Coal Co.....	19, 632
Mount Clemens Sugar Beet Growers' Assoc.....	6, 586
The National Sugar Manufacturing Co.....	7, 817
Ohio Sugar Co.....	7, 901
Paulding Sugar Co.....	7, 340
Spreckels Sugar Co.....	173, 581
Superior Sugar Refining Co.....	10, 097
Union Sugar Co.....	26, 097
Utah-Idaho Sugar Co.....	157, 668
Total	1, 589, 100

5. That the January 1, 1941, effective inventory for each processor of processings from proportionate shares,² and the percentage which each such inventory is of the processor's conditional allotment, are as follows:

<i>Effective inventory from proportionate shares</i>		<i>Short tons, raw value</i>
Processor:		
The Amalgamated Sugar Co.....		141, 985
American Crystal Sugar Co.....		232, 025
Central Sugar Co., Inc.....		12, 107
Franklin County Sugar Co.....		13, 742
The Garden City Co.....		14, 979
Great Lakes Sugar Co.....		46, 675
The Great Western Sugar Co.....		458, 616
Gunnison Sugar, Inc.....		7, 086
Holly Sugar Corp.....		233, 255
Isabella Sugar Co.....		9, 894
Lake Shore Sugar Co.....		10, 455
Layton Sugar Co.....		8, 537
Los Alamitos Sugar Co.....		21, 340
Menominee Sugar Co.....		12, 243
Michigan Sugar Co.....		78, 039
Monitor Sugar, Division of Robert Gage Coal Co.....		17, 173
Mount Clemens Sugar Beet Growers' Assoc.....		4, 514
The National Sugar Manufacturing Co.....		9, 272
Ohio Sugar Co.....		9, 426
Paulding Sugar Co.....		8, 023
Spreckels Sugar Co.....		174, 453
Superior Sugar Refining Co.....		15, 061
Union Sugar Co.....		29, 743
Utah-Idaho Sugar Co.....		184, 769

Percent effective inventory from proportionate shares is of conditional allotment

		<i>Percent</i>
Processor:		
The Amalgamated Sugar Co.....		118. 9493
American Crystal Sugar Co.....		125. 8830
Central Sugar Co., Inc.....		89. 7081
Franklin County Sugar Co.....		102. 2394
The Garden City Co.....		151. 8706
Great Lakes Sugar Co.....		122. 3556
The Great Western Sugar Co.....		108. 0617
Gunnison Sugar, Inc.....		88. 8750
Holly Sugar Corp.....		100. 6624
Isabella Sugar Co.....		87. 2179
Lake Shore Sugar Co.....		60. 3115
Layton Sugar Co.....		85. 2677
Los Alamitos Sugar Co.....		191. 0817
Menominee Sugar Co.....		147. 1514
Michigan Sugar Co.....		109. 1821
Monitor Sugar, Division of Robert Gage Coal Co.....		87. 4745
Mount Clemens Sugar Beet Growers' Assoc.....		88. 5393
The National Sugar Manufacturing Co.....		118. 6133
Ohio Sugar Co.....		119. 3014
Paulding Sugar Co.....		109. 3052
Spreckels Sugar Co.....		100. 5024
Superior Sugar Refining Co.....		149. 1631
Union Sugar Co.....		113. 9710
Utah-Idaho Sugar Co.....		117. 1886

6. That the January 1, 1941, effective inventory for each processor of processings from proportionate shares is in excess of 75 percent of the processor's average marketings for 1937, 1938, and 1939, except

² January 1, 1941, effective inventory, less any 1939 crop processings from non-proportionate share acreages which, under the first-in-first-out rule, as applied to proportionate share processings, may be presumed to have been on hand on January 1, 1941.

the Lake Shore Sugar Company, in which case 75 percent of such marketings amounts to 13,552 short tons of sugar, raw value.

7. That, in view of the present supply situation and the provisions of section 302 of the act, pertaining to the establishment of proportionate shares adequate to meet the quota and provide a normal carry-over inventory, a fair, efficient, and equitable distribution of the quota requires, so long as the quota is less than the January 1, 1941, effective inventory of processings from proportionate shares (after allowance in accordance with paragraph 6 above), that no processor be permitted to market in 1941 a quantity of sugar in excess of its January 1, 1941, effective inventory of processings from proportionate shares, or 75 percent of the processor's average marketings for 1937, 1938, and 1939, if such inventory is less than 75 percent of such marketings.

8. That the conditional allotments exceed January 1, 1941, effective inventories of processings from proportionate shares (after allowance in accordance with paragraphs 6 above) in the instances and amounts as follows:

Processor:	<i>Short tons, raw value</i>
Central Sugar Co., Inc.-----	1,389
Gunnison Sugar, Inc.-----	887
Isabella Sugar Co.-----	1,450
Lake Shore Sugar Co.-----	3,783
Layton Sugar Co.-----	1,475
Monitor Sugar, Division of Robert Gage Coal Co.-----	2,459
Mount Clemens Sugar Beet Growers' Assoc.-----	2,072
Total-----	13,515

9. That, in view of the present supply situation, the total amount of sugar, determined under paragraph 7 above, should be allocated so as to reduce the burden of carryover sugar to such a degree that the percentage relationship between the effective inventories of processings from proportionate shares and the allotments would be identical for each processor participating in such allocation, but the percentage relationship so established should be in excess of the similar relationship for any other processor; and that the allocation of such amount, under the present quota, is as follows:³

Processor:	<i>Short tons, raw value</i>
American Crystal Sugar Co.-----	1,900
The Garden City Co.-----	2,159
Los Alamitos Sugar Co.-----	5,959
Menominee Sugar Co.-----	1,506
Superior Sugar Refining Co.-----	1,991
Total-----	13,515

10. That the use of a formula giving one-fourth weight to past marketings and three-fourths weight to processings, modified in the manner stated above, will afford substantial protection to producers of proportionate shares of sugar beets.

³ The allocation has been made by adding 13,515 short tons to 223,766 short tons (the sum of the conditional allotments for the above group of companies) and dividing such total (237,281 short tons) into the sum of the effective inventories of processings from proportionate shares for the group (295,648 short tons) to determine the percentage relationship between the effective inventory of processings from proportionate shares and the allotment of each participating processor (124.5983). The percentage thus established, which exceeds the similar relationship of any other processor, was then divided into the effective inventory of processings from proportionate shares of each participating processor, the difference between such resulting figure and the conditional allotment representing the share of each processor.

CONCLUSIONS

On the basis of the foregoing and after consideration of the briefs submitted by interested persons following the hearing and the exceptions filed in opposition to the proposed findings of fact, conclusions, and order, I hereby determine and conclude that the allotment of the 1941 sugar quota for the domestic beet sugar area is necessary to prevent disorderly marketing of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States; and that in order to make a fair, efficient, and equitable distribution of such quota, as required by section 205 (a) of the act, allotment of the quota should be made by giving one-fourth weight to past marketings and three-fourths weight to processings, as measured and found in the findings of fact made above, modified so as to adjust inventories in the direction of normal, as required by section 302 of the act.

ORDER

Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered that:

ALLOTMENT OF 1941 SUGAR QUOTA FOR THE DOMESTIC BEET SUGAR AREA

SECTION 1.—*Original allotments.*—The 1941 sugar quota for the domestic beet sugar area is hereby allotted to the following processors in the amounts which appear opposite their respective names:

Processor:	<i>Allotment (Short tons, raw value)</i>
The Amalgamated Sugar Co.....	119,366
American Crystal Sugar Co.....	186,218
Central Sugar Co., Inc.....	12,107
Franklin County Sugar Co.....	13,441
The Garden City Co.....	12,022
Great Lakes Sugar Co.....	38,147
The Great Western Sugar Co.....	424,402
Gunnison Sugar, Inc.....	7,086
Holly Sugar Corp.....	231,720
Isabella Sugar Co.....	9,894
Lake Shore Sugar Co.....	13,552
Layton Sugar Co.....	8,537
Los Alamitos Sugar Co.....	17,127
Menominee Sugar Co.....	9,826
Michigan Sugar Co.....	71,476
Monitor Sugar, Division of the Robert Gage Coal Co.....	17,173
Mount Clemens Sugar Beet Growers' Assoc.....	4,514
The National Sugar Manufacturing Co.....	7,817
Ohio Sugar Co.....	7,901
Paulding Sugar Co.....	7,340
Spreckels Sugar Co.....	173,581
Superior Sugar Refining Co.....	12,088
Union Sugar Co.....	26,097
Utah-Idaho Sugar Co.....	157,668
Others.....	0
Total.....	1,589,100

SEC. 2.—*Restrictions on marketing.*—Processors of sugar beets in the domestic beet sugar area are hereby prohibited from shipping, transporting, or marketing in interstate commerce or in competition with sugar or liquid sugar shipped, transported or marketed in inter-

state or foreign commerce, any sugar or liquid sugar produced from sugar beets grown in the domestic beet sugar area in excess of the marketing allotments set forth in section 1.

SEC. 3.—*Additional allotments.*—Any increase or decrease in the 1941 sugar quota for the domestic beet sugar area shall be prorated among processors on the same basis used in calculating the allotments set forth in section 1 hereof.⁴

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 9th day of May 1941.

[SEAL]

CLAUDE R. WICKARD,
Secretary of Agriculture.

⁴ For example, if the quota for the domestic beet sugar area were increased from 1,589,100 short tons, raw value, to 1,689,100 short tons, raw value, such quotas would be prorated as follows:

Processor	Short tons, raw value			
	Column (1)	Column (2)	Column (3)	Column (4)
The Amalgamated Sugar Co.....	126, 878	-----	3, 627	130, 505
American Crystal Sugar Co.....	195, 917	-----	17, 347	213, 264
Central Sugar Co., Inc.....	14, 345	2, 238	-----	12, 107
Franklin County Sugar Co.....	14, 286	544	-----	13, 742
The Garden City Co.....	10, 484	-----	3, 284	13, 768
Great Lakes Sugar Co.....	40, 548	-----	2, 353	42, 901
The Great Western Sugar Co.....	451, 109	-----	-----	451, 109
Gunnison Sugar, Inc.....	8, 475	1, 389	-----	7, 086
Holly Sugar Corp.....	246, 302	13, 047	-----	233, 255
Isabella Sugar Co.....	12, 058	2, 164	-----	9, 894
Lake Shore Sugar Co.....	18, 426	4, 874	-----	13, 552
Layton Sugar Co.....	10, 642	2, 105	-----	8, 537
Los Alamitos Sugar Co.....	11, 871	-----	7, 744	19, 615
Menominee Sugar Co.....	8, 843	-----	2, 410	11, 253
Michigan Sugar Co.....	75, 973	-----	-----	75, 973
Monitor Sugar, Division of Robert Gage Coal Co.....	20, 867	3, 694	-----	17, 173
Mount Clemens Sugar Beet Growers' Assoc.....	7, 001	2, 487	-----	4, 514
The National Sugar Manufacturing Co.....	8, 309	-----	213	8, 522
Ohio Sugar Co.....	8, 398	-----	266	8, 664
Paulding Sugar Co.....	7, 802	-----	-----	7, 802
Spreckels Sugar Co.....	184, 504	10, 051	-----	174, 453
Superior Sugar Refining Co.....	10, 733	-----	3, 110	13, 843
Union Sugar Co.....	27, 739	-----	-----	27, 739
Utah-Idaho Sugar Co.....	167, 590	-----	2, 239	169, 829
Others.....	0	-----	-----	0
Total.....	1, 689, 100	42, 593	42, 593	1, 689, 100

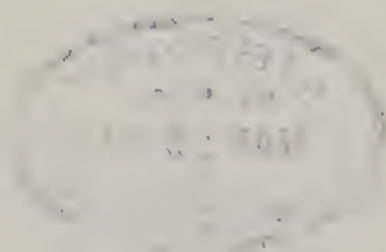
EXPLANATION

Column 1.—Conditional Allotments: Computed by application of the basic formula.

Column 2.—Amounts by which Conditional Allotments Exceed January 1, 1941, Effective Inventories of Processings from Proportionate Shares (After Allowance in Accordance with Paragraph 6 of Findings of Fact): Computed by subtracting effective inventories of processings from proportionate shares (after allowance in accordance with Paragraph 6 of Findings of Fact) from Column 1.

Column 3.—Distribution of Total of Column 2: Computed by adding 42,593 short tons (the total of Column 2) to 589,571 short tons (the sum of the conditional allotments for the group of companies who participate in the distribution) and dividing such total (632,164 short tons) into the sum of the effective inventories of processings from proportionate shares for such group (687,775 short tons) to determine the percentage relationship between the effective inventory of processings from proportionate shares and the allotment of each participating processor (108.7969). The percentage thus established, which exceeds the similar relationship of any other processor, was then divided into the effective inventory of processings from proportionate shares of each participating processor, the difference between such resulting figure and the conditional allotment representing the share shown for each processor.

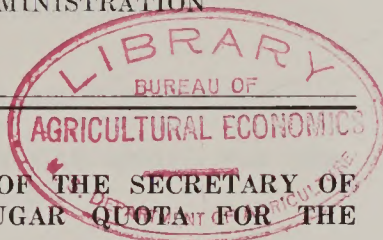
Column 4.—Allotments: Computed by subtracting Column 2 from, or adding Column 3 to, Column 1.



UNITED STATES DEPARTMENT OF AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

WASHINGTON, D. C.



SUPPLEMENT TO DECISION AND ORDER OF THE SECRETARY OF
 AGRICULTURE ALLOTING THE 1941 SUGAR QUOTA FOR THE
 DOMESTIC BEET SUGAR AREA

Pursuant to Section 3 of the "Decision and Order of the Secretary of Agriculture Allotting the 1941 Sugar Quota for the Domestic Beet Sugar Area", dated May 9, 1941, and the increase in the 1941 sugar quota for the domestic beet sugar area of 156,503 short tons of sugar, raw value, set forth in General Sugar Quota Regulations, Series 8, No. 1, Revision 4, a quantity of sugar equal to such increase is hereby prorated as follows.

<i>Processor</i>	<i>Additional allotment (short tons, raw value)</i>
The Amalgamated Sugar Company.....	11, 756
American Crystal Sugar Company.....	18, 153
Central Sugar Company, Inc.....	1, 329
Franklin County Sugar Company.....	1, 323
The Garden City Company.....	972
Great Lakes Sugar Company.....	3, 757
The Great Western Sugar Company.....	41, 797
Gunnison Sugar, Inc.....	785
Holly Sugar Corporation.....	22, 821
Isabella Sugar Company.....	1, 117
Lake Shore Sugar Company.....	1, 707
Layton Sugar Company.....	986
Los Alamitos Sugar Company.....	1, 100
Menominee Sugar Company.....	820
Michigan Sugar Company.....	7, 039
Monitor Sugar, Division of Robert Gage Coal Company.....	1, 934
Mount Clemens Sugar Beet Growers' Ass'n.....	648
The National Sugar Manufacturing Co.....	770
Ohio Sugar Company.....	778
Paulding Sugar Company.....	723
Spreckels Sugar Company.....	17, 095
Superior Sugar Refining Company.....	995
Union Sugar Company.....	2, 570
Utah-Idaho Sugar Company.....	15, 528
Others.....	0
Total.....	156, 503

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 29th day of August 1941.

[SEAL]

CLAUDE R. WICKARD,
Secretary of Agriculture.

UNITED STATES DEPARTMENT OF AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

WASHINGTON, D. C.

RESCISSION OF ORDER ALLOTING THE 1941 SUGAR QUOTA FOR THE
DOMESTIC BEET SUGAR AREA

Pursuant to the authority conferred upon the Secretary of Agriculture under the Sugar Act of 1937, as amended, and on the basis of information now before the Secretary of Agriculture it is hereby found and determined that the allotment of the 1941 sugar quota for the domestic beet sugar area is no longer necessary to accomplish the purposes of the act, and the "Decision and Order of the Secretary of Agriculture Allotting the 1941 Sugar Quota for the Domestic Beet Sugar Area," issued May 9, 1941, together with all supplements thereto, is hereby rescinded.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 20th day of September 1941.

[SEAL]

GROVER B. HILL,
Acting Secretary of Agriculture.

